

CAMPAIGN SPENDING COMMISSION

STATE OF HAWAII

In Re the Matter of)	CA 03-08
)	
SHIMABUKURO, ENDO & YOSHIZAKI)	
And Howard Endo,)	
)	
Respondents.)	
_____)	

CONCILIATION AGREEMENT

On or around December 2002, Robert Y. Watada, Executive Director for the Campaign Spending Commission ("Commission"), initiated an investigation of Respondents, Shimabukuro, Endo & Yoshizaki ("SEY") and Howard Endo ("Endo"). Business Registration Division list Endo as doing business as consulting engineers, whose business address is 1126 12th Avenue, Room 309, Honolulu, Hawaii. Records list Howard Kiei Endo as president and Howard Endo as vice-president. Endo assumed management and decision making of SEY at the end of 1999. The investigation was initiated pursuant to the express authority of section 11-193, Hawaii Revised Statutes ("HRS"), for a determination of whether the campaign spending law had been violated and a complaint would be submitted to the Commission.

NOW, THEREFORE, SEY and the Commission, having entered into conciliation and pursuant to section 11-216(g), HRS, do hereby agree as follows:

- I. That the Commission has jurisdiction over Respondents and the subject matter of this administrative action.
- II. That this Conciliation Agreement ("Agreement") and upon complete performance of the conditions stated herein has the effect of remedial or

corrective action taken by Respondents pursuant to section 11-216(g), HRS.

- III. That Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- IV. That Respondents waive the right to be heard at a public hearing conducted under chapter 91, HRS, pursuant to section 11-228(b), HRS.
- V. That Respondents enter into this Agreement with the Commission on their own volition and with full knowledge and understanding.
- VI. The Commission alleges as follows:
 - 1. On or around December 2002, Robert Y. Watada, in his capacity as Executive Director of the Campaign Spending Commission, and upon information received through the disclosure statements of the Harris campaign committee ("Harris"), the Ben Cayetano campaign committee ("Cayetano") and the Kimo Apana campaign committee ("Apana") initiated an investigation involving excess contributions in violation of sections 11-204, HRS.
 - 2. Section 11-204(a)(1)(B), HS, reads in part as follows: No person, other than a candidate for the candidate's own campaign, or any other entity shall make contributions to:...A candidate seeking nomination or election to a four-year statewide office or to the candidate's committee in an aggregate amount greater than \$6,000 during an election period.

3. Section 11-204(a)(1)(C), HRS, reads in part as follows: No person, other than a candidate for the candidate's own campaign, or any other entity shall make contributions to:...A candidate seeking nomination or election to a four-year nonstatewide office or to the candidate's committee in an aggregate amount greater than \$4,000 during an election period.
4. Section 11-204(h), HRS, read in part as follows:...an individual and any corporation in which the individual owns a controlling interest, shall be treated as one person.
5. Section 11-202, HRS, reads in part as follows: No person shall make a contribution of the person's own money or property, or money or property of another person to any candidate, party, or committee in connection with a nomination for election, or election, in any name other than the true name of the person who owns the money or who supplied the money or property.
6. Sections 11-194, 11-212, and 11-213, HRS, require a committee to file proper organization and disclosure reports with the Commission.
7. That SEY made contributions to Harris for the 1996 election period in the amount of \$2,700, for the 2000 election period in the amount of \$15,750 and after the 2000 election in the amount of \$2,000, for total contributions of \$20,450.

8. On or about September 9, 1996, Jean Endo, mother of Howard Endo made a contribution to Harris in the amount of \$1,500.
9. On or about September 9, 1996, Alison M. Yoshizaki, daughter of Harold Yoshizaki made a contribution to Harris in the amount of \$600.
10. On or about September 9, 1996, Lynn E. Yoshizaki, daughter of Harold Yoshizaki made a contribution to Harris in the amount of \$600.
11. On or about the following days, Howard K. Endo made contributions to Harris as follows:
- | | |
|------------------|---------|
| August 22, 1997 | \$2,000 |
| June 2, 1999 | \$1,000 |
| June 5, 1999 | \$250 |
| December 9, 1999 | \$750 |
12. On or about the following dates Wallace K. Endo, father of Howard Endo made contributions to Harris as follows:
- | | |
|--------------------|---------|
| August 22, 1997 | \$1,000 |
| June 2, 1999 | \$1,000 |
| December 9, 1999 | \$750 |
| September 15, 2000 | \$1,000 |
13. On or about September 15, 2000, Linda M. Hihara-Endo, wife of Howard Endo made a contribution to Harris in the amount of \$1,000.
14. On or about August 22, 1997 and June 2, 1999, Stanley S. Shimabukuro a former part-owner of SEY, made a contribution to Harris in the amount of \$1,000 on each date for a total of \$2,000.

15. On or about September 15, 2000, Sheryl Nojima, sister of Howard Endo made a contribution to Harris in the amount of \$1,500.
16. On or about December 9, 1999 and September 15, 2000, Toshie Hihara, mother-in-law of Howard Endo made a \$500 and \$1,000 contributions to Harris for a total of \$1,500.
17. On or about August 22, 1997 and June 2, 1999, Harold Yoshizaki, a former part-owner of SEY made contributions of \$1,000 on each date for a total of \$2,000.
18. On or about December 29, 2001, Mieko Higuchi, aunt of Howard Endo made a contribution to Harris in the amount of \$1,000.
19. On or about December 21, 2001, Hayao Takashige, uncle of Howard Endo made a contribution to Harris in the amount of \$1,000.
20. That SEY made contributions to Cayetano for the 1998 election period in the amount of \$14,000.
21. On or about the following dates Howard K. Endo made contributions to Cayetano as follows:

December 31, 1997	\$1,000
June 29, 1998	\$1,500
October 2, 1998	\$1,000
22. On or about the following dates Wallace K. Endo made contributions to Cayetano as follows:

April 28, 1997	\$1,000
December 31, 1997	\$1,000
June 29, 1998	\$1,000
October 2, 1998	\$500

23. On or about December 31, 1997, Linda, M. Hihara-Endo made a contribution to Cayetano in the amount of \$1,000.

24. On or about the following dates Stanley S. Shimabukuro made contributions to Cayetano as follows:

December 31, 1997	\$1,000
June 29, 1998	\$1,000
October 2, 1998	\$1,000

25. On or about the following dates Harold I. Yoshizaki made contributions to Cayetano as follows:

December 31, 1997	\$1,000
June 29, 1998	\$500
October 2, 1998	\$1,000

26. On or about December 31, 1997, Irene M. Yoshizaki, wife of Harold Yoshizaki made a contribution to Cayetano in the amount of \$500.

27. That SEY made contributions totaling \$2,500 to the Apana campaign.

28. On or about the following dates contributions were made to the Apana campaign as follows:

6/12/01	Howard K. Endo	\$1,000
6/12/01	Wallace K. Endo	\$500
6/12/01	Linda Hihara-Endo	\$500
6/12/01	Scott Kunioka, Employee	\$500

29. That SEY made contributions totaling \$2,400 to the Mazie Hirono ("Hirono") campaign.

30. On or about the following dates contributions were made to the Hirono campaign as follows:

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|--|---------|---------------------|---------|
| | 9/22/97 | Stanley Shimabukuro | \$200 |
| | 7/7/98 | Stanley Shimabukuro | \$200 |
| | 3/19/02 | Howard K. Endo | \$2,000 |
31. That SEY made contributions totaling \$3,500 to the Mufi Hannemann ("Hannemann") campaign.
32. On or about the following dates contributions were made to the Hannemann campaign as follows:
- | | | | |
|--|---------|-------------------|---------|
| | 6/30/00 | Howard K. Endo | \$500 |
| | 9/5/00 | Howard K. Endo | \$300 |
| | 6/29/01 | Howard K. Endo | \$1,000 |
| | 6/29/01 | Howard K. Endo | \$1,000 |
| | 5/30/02 | Linda Hihara-Endo | \$700 |
33. On or about July 24, 2002, Linda Hihara-Endo made a contribution to the Ed Case campaign in the amount of \$1,000.
34. That the aggregate contributions by SEY through officers, employees and family members to the Harris, Cayetano, Apana and Hannemann campaign committees total \$39,450.
35. That SEY made excess campaign contributions of \$11,750 to the Harris 2000 campaign committee.
36. That SEY made excess campaign contributions of \$8,000 to the Cayetano campaign committee.
37. That SEY failed to file an organizational report pursuant to section 11-194, HRS.
38. That SEY failed to file disclosure reports pursuant to sections 11-212 and 11-213, HRS.

VII. Settlement Terms

As final settlement of the matter and issues in Conciliation Agreement #03-08, SEY understands and agrees to the following:

- (A) SEY agrees to an assessment of **Thirty-Two Thousand Dollars (\$32,000)** pursuant to section 11-228, HRS.
- (B) The Commission believes that violations of sections 11-202 and 11-204, HRS may have occurred in contributions to the Harris and Cayetano campaigns.
- (C) The Commission alleges that such contributions were not reported pursuant to sections 11-194, 11-212 and 11-213, HRS.
- (D) Notwithstanding all of the foregoing, nothing in this Agreement shall be deemed to constitute an admission by Shimabukuro, Endo & Yoshizaki and/or Howard Endo.
- (E) SEY agrees to comply with campaign finance statutes on contribution and expenditures to candidate committees.
- (F) Terms of payment of the assessment shall be by Order of the Commission.

VIII. The Commission upon its own motion or a written request of anyone filing a complaint under section 11-216, HRS, may review compliance with the Agreement. If the Commission believes that the Agreement has been violated, it may institute administrative proceedings or a civil action in the Circuit Court of the First Circuit pursuant to section 11-228(c), HRS.

- IX. This Agreement shall become effective as of the date that all parties have signed and the Commission has approved the entire Agreement.
- X. This Agreement constitutes the entire agreement between the Commission and SEY on the matters raised herein, and no other statement, promise, or agreement, either in writing or oral, not contained in this Agreement made by either party or by agents of either party shall be enforceable.
- XI. This Agreement, unless violated, shall be a complete bar to any further action by the Commission with respect to the violations at issue in this matter.

FOR THE COMMISSION:

Robert Y. Watada, Executive Director

By: _____

Date: _____

FOR THE RESPONDENT(S)

Howard K. Endo

By: _____

(Name)

(Title)

Date: _____